

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHARP CORPORATION,

Plaintiff,

-against-

DELL INC.,

Defendant.

ELECTRONICALLY FILED

Civil Action No. 08-CV-05088 (PGS) (ES)
ECF Case

Oral Argument Requested

Return Date: March 7, 2011

**NOTICE OF PLAINTIFF SHARP CORPORATION'S
MOTION TO EXCLUDE THE REPORTS, TESTIMONY
AND OPINIONS OF DEFENDANT DELL INC.'S
DESIGNATED EXPERT, SCOTT D. PHILLIPS**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Evid. 702 and 703 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), the undersigned attorneys for Plaintiff Sharp Corporation ("Sharp") will move before the Honorable Peter G. Sheridan, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street Room 2020, Trenton, NJ 08608, on March 21, 2011 at 10:00 a.m. or as soon thereafter as counsel may be heard, for an Order granting Sharp's Motion To Exclude The Reports, Testimony And Opinions Of Defendant Dell Inc.'s Designated Expert, Scott D. Phillips (the "Motion").

PLEASE TAKE FURTHER NOTICE that, in support of the Motion, Sharp shall rely upon the following papers which have been filed under seal pursuant to this Court's February 23, 2009 Order [DKT. 22]: (1) Memorandum Of Law In Support of the Motion, dated January 21, 2011; and (2) Declaration of Derek Care,

Esq., in Support of the Motion, executed on January 21, 2011.

PLEASE TAKE FURTHER NOTICE that Sharp hereby requests oral argument.

Dated: New York, New York
January 21, 2011

LOWENSTEIN SANDLER PC

By: /s/ Robert J. Kipnees
Robert J. Kipnees
rkipnees@lowenstein.com
65 Livingston Avenue
Roseland, New Jersey 07068-1791
Tel.: (973) 597-6220
Fax: (973) 597-6221

and

BINGHAM McCUTCHEN LLP
Richard S. Taffet
richard.taffet@bingham.com
Kenneth I. Schacter
kenneth.schacter@bingham.com
Edward F. Maluf
edward.maluf@bingham.com
399 Park Avenue
New York, NY 10022-4689
Tel.: (212) 705-7000
Fax: (212) 752-5378
*Attorneys for Plaintiff
Sharp Corp.*